



REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are pending in the present application. Claim 7 has been canceled without prejudice by the present amendment.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. § 102(e) as anticipated by Saeki et al. (U.S. Patent No. 6,078,727, herein "Saeki"); Claims 1-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Barton et al. (U.S. Patent No. 6,233,389, herein "Barton") and Seo (U.S. Patent No. 6,798,980); and Claim 7 was rejected under 35 U.S.C. § 101.

The rejection of Claim 6 under 35 U.S.C. § 102(e) as anticipated by Saeki is respectfully traversed for the following reasons.

Briefly recapitulating, independent Claim 1 is directed to a program storage medium in which a computer-readable program is stored and the program includes a production step, first recording step, a supervision step, a readout step, a conversion step, and a second recording step. In addition, Claim 6 recites that the process of the readout step, the conversion step, and the second recording step are executed simultaneously with the process of the first recording step based on the result of the supervision by the process of the supervision step.

The outstanding Office Action states at page 2, last paragraph, that "Saeki et al. teaches a computer program storage medium in which a computer readable program embodied on it (see claim 21)." Based only on this statement, the outstanding Office Action concludes that Claim 6 is anticipated by Saeki. It appears that the outstanding Office Action ignores all the features recited by Claim 6 in the body of the claim without providing any justification for doing so.

Thus, Applicants respectfully request that the outstanding Office Action reconsiders Claim 6 and clarifies the record by indicating the elements of Saeki that correspond to the claimed features.

In this respect, Applicants note that MPEP § 2131 states:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

However, Saeki does not teach or suggest that the process of the readout step, the conversion step, and the second recording step are executed simultaneously with the process of the first recording step based on the result of the supervision by the process of the supervision step, as required by Claim 6. Thus, the outstanding Office Action does not identify all the elements of Claim 6 in Saeki, contrary to the requirement of MPEP § 2131.

Accordingly, it is respectfully submitted that independent Claim 6 patentably distinguishes over Saeki.

The rejection of Claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over Barton in view of Seo is respectfully traversed for the following reasons.

Independent Claim 1 recites similar features as Claim 6 discussed above. Without identifying each element of independent Claims 1 and 5, the outstanding Office Action states that the combination of Barton and Seo renders the claims unpatentable and also that it would be obvious to one of ordinary skill in the art to combine the teachings of Barton and Seo to arrive at the claimed device.

Applicants respectfully submit that the features of readout means, conversion means, and second recording means being operable to execute the respective processes simultaneously with the recording process by the first recording means based on the results of the supervision by the supervision means, as recited by Claims 1 and 5, are neither taught nor disclosed by the combination of Barton and Seo.

In addition, the outstanding Office Action at page 4, second full paragraph, states that one of ordinary skill in the art would modify the recording device of Barton to include the conversion means of Seo because the modified data takes less space in the recording device. Applicants respectfully submit that independent Claims 1 and 5 recite storing a first coded data and recoding the first coded data and also recording the second coded data together with the first coded data.

Thus, if one of ordinary skill in the art intends to save recording space in Barton as suggested by the outstanding Office Action, that person will not record twice, on the same recording medium, the same data under different formats as suggested by the outstanding Office Action.

Thus, Applicants respectfully submit that the combination of Barton and Seo is improper for the reasons stated in the outstanding Office Action at page 4, second full paragraph.

Accordingly, it is respectfully submitted that independent Claims 1 and 5 and each of the claims depending therefrom patentably distinguish over Barton and Seo, either alone or in combination.

The rejection of Claim 7 under 35 U.S.C. § 101 is moot because Claim 7 has been canceled.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Remus F. Fetea, Ph.D.
Registration No. 59,140

I:\ATTY\RFF\27s\275791\275791US-AM.doc